DOCUMENT RESUME

ED 078 554 EA 005 223

TITLE	Some Local Policies on Reductions in Force for Professional Personnel. ERS Information Aid No. 15.
INSTITUTION	Educational Research Service, Washington, D.C.
PUB DATE	Mar 73
NOTE	18p.
AVAILABLE FROM	Educational Research Service, Box 5, NEA Building, 1201 Sixteenth Street, N.W., Washington, D.C. 20036 ($1.00)
EDRS PRICE	MF-$0.65 HC Not Available from EDRS.
DESCRIPTORS	*Board of Education Policy; Boards of Education; Enrollment Trends; *Job Layoff; *Leave of Absence; Negotiation Agreements; *Personnel Policy; Policy Formation; *Teacher Dismissal; Teacher Retirement; Teacher Welfare; Tenure
IDENTIFIERS	*Reduction in Force

ABSTRACT

This report presents 16 examples of policies and provisions designed to help school administrators and board members in developing firm but fair policies to be applied when a reduction in force is deemed unavoidable. The booklet provides policies, administrative regulations, and negotiation agreement provisions. Since, according to the report, none of the policies are ideal or exemplary, the material provides issues to consider in developing a reduction in force policy. (JF)

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ERS Information Aid

EDUCATIONAL RESEARCH SERVICE
1201 Sixteenth Street, Northwest, Washington, D.C. 20036

Operated Jointly by the American Association of School Administrators and the Research Division of the National Education Association

No. 15, March 1973

Some Local Policies on Reductions in Force for Professional Personnel

Declining enrollment + declining revenues + increasing costs = fewer teachers employed.

While the above situation may have completely or partially eliminated one thorn in the side of the school system personnel manager--the annual recruiting forays to colleges and universities--it has added a new dimension to his job. Many school systems are not only swamped with applicants for teaching positions but, faced with declining student enrollments and voter rejection of tax levy increases at the local polls, they have found it necessary to reduce their teaching staffs beyond that accomplished by normal attrition.

Once a reduction in force is deemed unavoidable, the job of selecting and notifying teachers affected can never be a pleasant one, but the school board with a firm policy and administrative regulation in this area can reduce misunderstandings on the part of administrators and teachers and protect itself against grievance procedures brought by teachers who are affected by the layoff. Apparently many school boards do not have such a policy, for a thorough search of several hundred school system policy manuals and more than 1500 recent teacher negotiation agreements turned up less than 40 policies or provisions relating to reductions in force (RIF) of the teaching staff.

This Information Aid does not purport to suggest ways to avoid a reduction in force. What it does do is present some examples of policies and provisions to help school administrators and board members develop a firm and fair policy to be applied when a reduction in force becomes inevitable. Beginning on page 5 of this Information Aid are reproduced 16 policies, administrative regulations, and negotiation agreement provisions which may be helpful to school systems now trying to develop such a policy. Because none of the policies can be said to be "ideal" or "exemplary," administrators

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and school boards developing a policy might also want to consider the following points with regard to a policy on reduction in force of the teaching staff:

1. What provisions are made to "pare to the bone" the teaching staff before RIFs of full-time teachers occur?

   a. Is early retirement encouraged? (Retirement systems in many states work against much success in this area, however.)

   b. Are long-term leaves of absence, for whatever reason, encouraged?

   c. Are other categories of employees for which a full-time teacher could substitute released first? (Substitute teachers, teacher aides, part-time teachers, and teacher interns are examples of such categories.)

   d. Is a teacher, when qualified, given preference for an administrative vacancy?

2. Is the policy/regulation you are developing in line with state law--particularly the state tenure law? (Basic to the implementation of a reduction in force is the concept that probationary teachers are the first to go.)

3. Does the policy include a "notify and consult" provision dealing with the role of the local teachers' association in an impending RIF? At what point is the association notified and to what extent does it participate in the selection and notification of teachers to be laid off?

4. What are the time lines involved--e.g., by what date must teachers be notified that they are to be dismissed under a reduction in force?

5. What is the order of layoff? This raises many questions, such as:

   a. After tenure, is seniority to be the determining factor, or "qualifications," or "quality of performance," or what else, and in what order?

   b. What is the definition of seniority in years of service? Years of service in the system? in a department? on a grade level? total teaching experience?

   c. What determines the date of employment? How are conflicts between teachers with the same initial date of employment resolved?

   d. How do previous leaves of absence figure in determining years of service? Are all types of leaves, such as military, maternity, sabbatical, and long-term personal, to be given the same consideration?

   e. If "qualifications" and/or "quality of performance" are determining factors in order of layoff, who and what determines a teacher's quality of performance, and how shall qualifications be weighted?

   f. Is special preference accorded certain teacher association officers by bestowing on them "super-seniority" as has been done for union officials in some industries?

   g. What is the position of the teacher who is on leave of absence at the time of the RIF?

   h. In case of a general reduction in force affecting also administrative and supervisory personnel, is special preference accorded administrators and supervisors who are willing to assume teaching positions rather than be RIFed? If they must take their place on the seniority list, how is their seniority determined?

6. Assuming the strict order of layoff results in racial imbalance among the teaching staff, what is to be done?

7. Are reductions in force subject to the grievance procedure?

8. Are teachers given the opportunity to "bump" other teachers (with less seniority and/or qualifications or quality of performance) in other teaching areas if the teacher who has been laid off is "qualified" to teach in that area?

   a. What determines whether a teacher is "qualified" to teach in another area? Certification? Previous experience in that area?

b. Will these bumping rights extend across grade levels--e.g., can a secondary teacher bump an elementary teacher? What is the maximum grade span in the elementary school over which bumping can take place?

9. Are teachers who have been laid off given preferential consideration as substitutes?

10. Does the school system assume any responsibility for retraining, where feasible, laid-off teachers to fill vacancies on the teaching or administrative staff?

11. What are the rehire provisions for teachers for whom no position or only a substitute position can be found?

    a. Is a recall list maintained and posted, in inverse order of layoff, to give laid-off teachers preference in hiring?

    b. How long is this recall list to be maintained?

    c. How should teachers be notified of and respond to a recall notice? What is the time limit on declining or accepting a position when recalled?

    d. If teachers do not respond to a recall notice, will they be maintained on the list? If they respond but decline the job offer, do they remain on the list and in the same position?

    e. Does the school system promise to recall qualified nontenured as well as tenured teachers on the recall list before seeking individuals from outside the school system for vacancies?

12. What is the teacher's status during the time he is laid off but still on the recall list? Is he officially an employee of the school district on a leave of absence?

    a. What about insurance coverage, credit union membership, etc?

    b. Does severance pay apply to a reduction in force? If so, is it paid at time of layoff? Paid only if still on recall list at its expiration?

13. How does the period of layoff affect the teacher's seniority and position on the salary schedule when rehired?

    a. Does he advance as if employed by the system during the interim? Or does he assume the same position on the schedule as he held when laid off?

    b. If credit is not given for time of layoff, is credit given for teaching experience in another district, within or outside the state, during the layoff? Is credit given for other applicable experience, such as full-time employment in a trade position by a vocational teacher? Can credit for teaching in another district be applied to gaining tenure (in the case of a probationary teacher)?

14. How does the layoff affect the teacher's retirement status?

If, after considering the above questions and reading the sample policies on the following pages, a school administrator or board member is disappointed that no easy answers or painless solutions are offered, he should not be discouraged. School systems are relatively new at this job; industry, government, and business, which go through periodical cycles of layoffs, have no startling solutions to offer. In fact, much of what has been presented herein is based on the experience of business and industry.

While there is no sure-fire way of preventing situations which make necessary a reduction in force, efforts are under way in higher education to revise and improve the selection process for candidates for teacher education programs--thus, hopefully, preventing an overwhelming surplus of teach-

ers in the years ahead. Experts in school finance are looking for alternative methods of financing education to reduce the impact of voter rejection of tax levies. Projections of decreasing pupil enrollments, with no "baby boom" in sight, indicate that school systems must develop policies and guidelines to cope with enrollment declines. A policy regarding a reduction in force is just one of the policies needed.

EX 1 BOARD POLICY: Teacher Lay-Off and Re-Employment Procedure

When a reduction in the district's teaching staff is expected for the coming year due to a loss of students in ADA, educational programs, federally-funded programs or curriculum changes, the following procedure will be used:

The superintendent and assistant superintendents shall determine the area, subject, or programs that will lose staff positions for the coming year.

The Personnel Office will determine how many staff positions in the area, subject, or programs to lose units, are planning to retire, resign, or go on leave for the coming year. That number shall reduce the amount of staff members to be laid off the coming year.

A teacher to be laid off, who is certified in another subject area or subject shall have the right to a vacant position in such area or subject.

Laid-off teachers shall have first option for accepting re-employment, on a seniority basis, as vacancies for which they are certified open. No new teachers shall be employed for an area, subject, or program until all teachers laid off from such assignment have been provided with the opportunity of filling the positions.

Upon re-employment, all rights related to salary, fringe benefits, and seniority shall be fully restored.

Laid-off teachers may pay the total premium for group life and hospitalization insurance for a period not to exceed fifteen months.

EX 2 NEGOTIATION AGREEMENT PROVISION: Reduction of Staff

(1) Seniority

(a) New employees hired into the unit shall be considered as probationary employees as prescribed by the Tenure Act.

(b) The term seniority as hereinafter used shall be length of continuous service with the school district.

(c) Leaves of absence granted pursuant to this contract shall not constitute an interruption in continuous service. Credit given for outside teaching experience in other school districts shall not be considered for the purpose of accumulating seniority, but shall serve to reduce the probationary period in accordance with the provisions of the Tenure Act.

(d) Seniority within the school system shall first be determined by certification as approved by the State, and shall secondly be determined by years of continuous employment in grades K-4, grades 5-8, and by subject matter in grades 9-12.

(2) Lay Off Procedure

If, in the judgment of the Board, conditions make necessary a reduction in the education program and, therefore, a resultant reduction in personnel, the following procedure will be used:

(a) Probationary employees will be laid off first where any teacher who has acquired any seniority and whose position has been curtailed is certified and qualified to perform the services of the probationary teacher.

(b) In the event seniority teachers must be laid off, lay off will be on the basis of seniority within classification and knowledge, skill and efficiency on the job. It is understood that the executive committee of the Association shall have the right to review the lay off list prior to notification of the individuals to be laid off.

(3) Recall

(a) Seniority teachers shall be recalled in reverse order to layoff for new positions opening for which they are certified and qualified.

(b) The recall list shall be maintained by the Board for a period not to exceed two (2) years. Thereafter, a teacher shall lose his right to recall.

EX 3 ADMINISTRATIVE REGULATION: Order of Employment for Purposes of Layoff

The order of employment of certificated personnel shall be established and maintained as a permanent record.

A drawing of lots to establish the order of employment shall be conducted for probationary employees having the same beginning date of paid service. Notification of the date and place of the drawing shall be provided to each probationary employee who was employed on the same first day of paid service. All certificated personnel who rendered their first paid service on the same date shall be given the opportunity to participate in the drawing. The Superintendent, his designee, or the designee of the employee shall draw for any person who does not participate which will have the same effect as if the employee had drawn.

The order of employment shall be permanent as long as the person remains in the employ of the school district. The name of any person who terminates his employment with the school district shall be removed after a period of 39 months has elapsed.

Any errors discovered in the records showing the order of employment shall be corrected.

Personnel in positions assigned to the certificated salary schedule shall be subject to layoff at the close of a school year whenever it becomes necessary to reduce personnel due to (1) reduced enrollment, (2) reduction or discontinuance of a particular kind of service, or (3) lack of funds.

Layoff of personnel shall be in the inverse of the order of employment. The services of permanent employees will not be terminated while any probationary employee, or any other employee with less seniority, is retained to render a service which said permanent employee is certificated and competent to render.

Notice to the Board of Education and the employee that termination due to layoff has been recommended shall be given not later than March 15th in the manner prescribed in the State Education Code.

Final notice of termination due to layoff shall be given not later than May 15th in the manner prescribed in the State Education Code.

Order of layoff

If it is determined that reductions are to be made in specific grade levels, or subjects, or services, all employees in the district who are assigned to teach such grade level, or subject, or who render such service(s) shall be ranked according to the order of employment as provided in the policy and administrative regulation on Order of Employment.

Layoff of certificated personnel shall be in the inverse order of employment beginning with the least senior employee.

Assignments and reassignments shall be made in such a manner that employees, who might otherwise be terminated under this policy, shall be retained to render any service to which their seniority, certification, and qualifications entitle them to render.

Notice of recommended layoff

If it has been determined that a layoff of personnel under provisions of this policy is necessary, the Superintendent or his designee shall give written notice to the Board of Education and to each employee no later than March 15th, that it has been recommended that his services will not be needed for the ensuing school year. The notice shall be delivered by registered or certified U.S. mail to the employee or served personally upon the employee.

The reason for the recommendation, the employee's right to request a hearing and other rights of the employee shall be included with the notification.

Final notice of termination

Final notice to an employee that his services will not be required will be given in writing no later than May 15th following formal action by the Board of Education. The notice will be delivered by registered or certified U.S. mail or served personally upon the employee.

Reinstatement

Teachers who attain age 65 years while in layoff status will not be reinstated.

A. Permanent Teachers - Any permanent teacher, who, for a period of 39 months from the effective date of termination, has not attained the age of 65 years shall have the preferred right to reappointment in the order of original employment if the number of employees is increased, or the discontinued service is reestablished.

During the period of his preferred right to reappointment, any such employee shall, in the order of original employment, be offered prior opportunity for substitute service during the absence of any other employee who has been granted a leave of absence or who is temporarily absent from duty. His services may be terminated upon the return to duty of other said employee.

Rights of teachers upon reinstatement - The aforesaid right to reappointment may be waived by the employee, without prejudice, for not more than one school year; such waiver shall not deprive the employee of the right to subsequent offers of reappointment within the 39 month period. The reinstatement list shall be maintained for at least 39 calendar months or until all persons have been reinstated, whichever is sooner.

B. Probationary Teachers - A probationary teacher who has not attained the age of 65 years may be reemployed. If the reemployment occurs within 39 months after the effective date of termination under the provisions of this policy, the absence shall not be construed as a break in service but shall not count as part of the service required to attain permanent status.

No probationary employee, or other employee with less seniority, shall be reinstated to render a service that a permanent employee, terminated under this policy, is certificated and competent to render.

Rights of teachers upon reinstatement - If such an employee is reappointed under the provision of this policy and rules, the period of absence shall be treated as a leave of absence and shall not be considered as a break in service. He shall retain the classification, salary scale, step status, and order of employment held at the time of his termination.

EX 4 BOARD POLICY and ADMINISTRATIVE REGULATION: Reduction and Reemployment of Certificated Staff

The School District shall grant an automatic 28 months leave of absence for permanent and probationary certificated personnel whose services will not be required for the ensuing year because of reduction in staff necessitated by changes in program need and/or adverse financial conditions. Reduction of such employees shall follow procedures set forth by the State Education Code.

All certificated employees, both permanent and probationary, must be notified of intent to terminate on or before March 15th for the succeeding school year.

All certificated employees, both permanent and probationary, must be notified of termination on or before May 15th for the succeeding school year.

Prior to March 15th and May 15th, a committee composed of the Personnel Administrator and a representative from each recognized certificated employee organization shall be designated to review the case of each person who is to be notified that his services will not be required for the ensuing school year.

It is the responsibility of the District to notify the employee thus released of all openings in the same manner and at the same time as notification of openings are distributed to the schools in the District. This will be done by the personnel office for a period of not more than 28 calendar months from the first school month following the date of termination.

Reemployment priorities shall be based on employment service date and where multiple candidates exist for position openings, priority must be given in the same order--providing the same candidates have the necessary credentials, subject matter or grade level competence.

Upon reemployment, probationary teachers shall receive credit toward tenure for prior service served only in the School District toward tenure.

Credit shall be received on the salary schedule, year for year, for service rendered in other districts while on this leave of absence. Such absence shall not be construed as a break in the continuity of service of such employment, and said employee shall retain the rights and privileges of tenure.

Upon termination, the employee shall be given a copy of this policy and its regulations.

EX 5 NEGOTIATION AGREEMENT PROVISION

If Board action makes it necessary to curtail the number of professional employees in the District, the following criteria shall be used to determine who will be retained as an employee:

Years of Service.....30 points
Hours of Credit.....35 points
Rating of Administration.....35 points

Years of service shall mean the last continuous service in the District. One point will be given for each year of service to a maximum of 30 points.

Hours of credit shall be distributed as follows:

½ point for each of the first 20 hours beyond B.A.
1 point for each of the next 25 hours

The teacher with the highest cumulative number of points would be retained.

If curtailment takes place in grades K-6, no teacher shall move up or down more than two grades.

EX 6 NEGOTIATION AGREEMENT PROVISION: Reduction of Personnel and Lay Off Procedure

The following procedure shall be applied using the criteria stated below whenever it becomes necessary to lay off employees due to a decrease in enrollment or revenue.

A. The criteria for lay off of probationary teachers shall be implemented in the following order:

(1) First: Probationary teachers shall be laid off first on the basis of certification, competency, and known ability according to the evaluations and assessments made by the administration.

(2) Second: On the basis of relatively equal certification, competency, and known ability all reasonable efforts shall be made to maintain a racial balance among staff which is not lower than the 1970-71 ratio.

(3) Third: Following Sections 1 and 2 above, seniority shall be used to determine order of lay off.

B. After the lay off of all probationary employees, tenure teachers with the least amount of continuous service shall be laid off first. Employment service (seniority) shall be established as the date of issuance of first contract covering employee's current term of continuous service in the school district.

C. Exceptions may be made in special subjects, classes, or grade levels in which no other teacher with more service has the necessary qualifications to fill such assignments.

D. Prior to any official lay off, the Board will provide the Association with an up-to-date seniority list of all personnel covered under this agreement.

E. A teacher who is laid off shall be appointed to the first vacancy in the school district for which he is fully qualified. Rehiring will be in reverse order from the order of lay off.

F. Teachers on leave of absence, for purposes of this procedure, shall be considered as being employed and shall be included on the seniority list.

G. No new teacher will be hired for the next school year, following the beginning date of this agreement, unless such vacancies occur which cannot be filled by presently contracted teachers.

H. Public librarians and school nurses shall be laid off according to the criteria listed in A above.

NEGOTIATION AGREEMENT PROVISION

In the event that substantial and unforeseen changes in student population, or other conditions, make necessary a general reduction of teachers employed by the District, the following conditions shall prevail:

1. Establishing an emergency
   a. The Superintendent will recommend to the Board that a State of Emergency be declared.
   b. The Board of Education will act upon the recommendation on or before the first Monday in April (preferably earlier).
   c. The Board of Education will also take action to release all Probationary Teachers and all Qualified Teachers *(tenure teacher with less than 12 years of service in the district).*
      (1) Probationary Teachers will be notified that they will not receive a contract for the next school year.
      (2) Qualified Teachers will be notified that they are being released because of a staff reduction.
      (3) Elementary Intern Program teachers will be notified that they are being released because of a staff reduction.

2. Establishing staff needs
   a. The Superintendent will develop a "List of Staff Needs" based upon meeting the staffing needs during the emergency. The list will indicate:
      (1) Types of positions required
          (a) Grade levels (elementary)
          (b) Subjects (Grades 7 through 12)
          (c) Special services (non-classroom assignments)
      (2) Numbers of each position required
      (3) School locations, if known. (Not required)

3. Establishing the Seniority List
   a. All teachers will complete a "General Staff Reduction Data Sheet" *(see page 11)*
   b. The Division for Personnel Administration will develop a Seniority List, including all teachers.
      (1) The Seniority List will be based upon information listed as items 1 through 5 on the "General Staff Reduction Data Sheet."
      (2) A rank number will be assigned each teacher.
      (3) Copies of the Seniority List listing all teachers in rank order will be posted in each building on the office bulletin board, on Association bulletin boards in staff rooms, and provided to the Association as soon as the list is prepared.
          (a) The Seniority List will include:
              1) Teacher name
              2) Years of service in the school district
              3) Total years of teaching service
              4) Highest earned degree
              5) Hours earned beyond highest degree
              6) Rank number
      (4) All teachers with twelve years of service in the school district will be considered Select Qualified Teachers and shall be guaranteed a position for one year of any declared emergency requiring a general staff reduction. All Select Qualified Teachers will be so designated on the Seniority List.

(Continued on next page)

4. Establishing the Placement List

   a. The Division for Personnel Administration will develop a Placement List.

      (1) The Seniority List will be used to fill the positions shown on the List of Staff Needs.

         (a) Names will be selected in order from the Seniority List.
         (b) In the event that a Select Qualified Teacher cannot be placed in the same type of position currently held, because of the lack of a vacancy, assignment will be made by reference to their order of preference until placement is made.
         (c) When all Select Qualified Teachers have been placed, the remaining vacancies will be filled with Qualified Teachers taken in order from the Seniority List.
         (d) In the event that a Qualified Teacher cannot be placed in the same type of position currently held, because of a lack of vacancy, he will be assigned in terms of order of preference unless no vacancy exists for which he is qualified by certification and training. In determining placement the following shall be a part of the criteria:
            1) Elementary teachers may be assigned to any grade K-6, despite a lack of experience in that assignment, but following the expressed preference, if necessary to accomplish placement.
            2) Secondary teachers, in addition to meeting certification requirements, must meet accreditation requirements (where applicable) or have had a minimum of one year of experience in the assigned position.
         (e) A Probationary Teacher may be rehired for any position for which a Qualified Teacher is not available. First choice shall be given to any Probationary Teacher released as a result of the reduction if the District so desires.

      (2) The Placement List will be prepared and published so that copies may be posted in each building on the office bulletin board, on each Association bulletin board in staff rooms, and provided to the Association as soon as possible. The list will indicate:

         (a) Teacher name
         (b) Assignment
         (c) Rank order

   b. The Division for Personnel Administration will issue contracts to all assigned Qualified Teachers as soon as the Board has taken action to approve such contracts.

   c. In the event that anyone on the Placement List resigns, the Division for Personnel Administration shall take action to issue a contract to the next available teacher on the Seniority List who qualifies for the vacancy.

5. Return of staff released through a general staff reduction

   a. In the event that the emergency ceases to exist or is mitigated, the Division for Personnel Administration shall take action to hire the necessary additional teachers.

      (1) A contract shall be offered to the highest ranked Qualified Teacher available who qualifies for such a vacancy, but for whom no placement was previously possible.

      (2) The Qualified Teacher list shall be exhausted for any position prior to hiring any probationary teacher.

   b. In the event that the emergency ceases to exist, to the maximum extent possible, teachers would be returned to their original positions.

GENERAL STAFF REDUCTION DATA SHEET

NAME:(Last) (First) (Initial)

Teacher completes: 1, 2, 3, 4, 8 and 9 and signs. District completes: 5, 6, 7 and 10

EXPERIENCE AND TRAINING DATA
(Used in Determination of Seniority Rank Order)

* 1. Years of teaching service in this school district. _____ years.
* 2. Total years of teaching service: _____ years.
** 3. Highest earned degree: Bach. ____, Masters ____, Spec. ____, Dr. ____
** 4. Hours earned beyond highest earned degree: _____ hours.
5. Selection by lot: (Leave blank) _____ (Initialed by: _____)
6. Rank: (Leave blank) _____ (Initialed by: _____)
7. Status: (Leave blank) Select Qualified: _____ Qualified: _____

PLACEMENT DATA
(Used in Determination of Placement)

8. Certification:
   a. Type: Life ____, El. Prov. ____, El. Perm. ____, Sec. Prov. ____, Sec. Perm. ____, Vocational ____.
   b. Majors: _____ _____
   c. Minors: _____ _____
   _____ _____

9. Positions Taught: (List all positions you are currently qualified to teach and have taught one or more years. List elementary positions by grade ((K-6)), list secondary positions ((7-12)) by specific type of class and grade level rather than department only. Add an additional underline under position(s) being taught currently. Rank all positions in order of preference by placing 1, 2, 3, etc., in parenthesis provided. Please note that elementary teachers may be assigned in grades K-6 despite a lack of previous experience in that assignment. Secondary assignments, however, will require a minimum of one year of experience in the assignment or accreditation where applicable.

_____ ( ) _____ ( ) _____ ( )

_____ ( ) _____ ( ) _____ ( )

_____ ( ) _____ ( ) _____ ( )

10. Assignment Made:

_____ _____ _____

My signature certifies that the above information provided by me is correct to the best of my knowledge and belief.

_____ _____
Date Teacher's Signature

* A school year must consist of a minimum of 90 days in order to be counted as a full year.
**Must be recorded in Division of Personnel Administration as of date board declares emergency.

EX 8 BOARD POLICY: Reduction of Staff

As enrollments change some staffs must be reduced to meet the staffing formula. When this is necessary, the following procedure is used:

1. A staff member of the race that will bring the staff nearer to 60-40 ratio will be reduced.

2. The principal (in keeping with the staffing formula) will determine the level or subject where a position will be reduced. He is responsible for scheduling.

3. Those teaching in a temporary capacity will be reduced first. (Specifically, those on a T-certificate or those employed in temporary positions.)

4. A volunteer of the appropriate subject field and of the appropriate race will take precedence over any mandatory transfer.

5. Mandatory reduction:

   a. The teacher with the least period of service in the district who is now assigned to the school will be reduced.

   b. If the principal eliminates a curriculum offering (e.g. Latin or vocal music) then the teacher assigned to that position will be surplus to the school and will be considered for transfer to other positions in the system.

   c. Those who receive extra compensation (coordinators, counselors, etc.) who occupy a position which is reduced will have the option of replacing a teacher with less experience (in the system) in their school or transferring to a school where their particular classification has a vacancy.

   d. Where one coordinator must be reduced, the principal will select the one to be reduced. The basis for his decision will be usefulness to the instructional program. Where there are to be three or more coordinators to remain, there will be a racial mix of those who remain.

   e. The above would apply to coaches or counselors and others who receive extra compensation.

   f. Whenever a teacher is surplus in a school he will be made aware of the vacancies from which he may choose. When the alternatives are presented, a choice must be made within a reasonable length of time.

   g. When there is no available assignment for a regularly certified teacher, he will continue to serve in his present school until a vacancy occurs. He will be removed from a direct assignment with students. If there is an interim, he will serve as a helping teacher by direction of the principal.

   h. If a surplus teacher prefers not to accept any available position for which he is fully certified and qualified, he will be terminated no later than the end of the first month after the reduction.

   i. If there is no position which is in the properly certified field of the surplus teacher, he will be kept as a helping teacher in his present school until the end of the contract year.

EX 9 NEGOTIATION AGREEMENT PROVISION

In cases of non-renewal due to the need for a reduction in staff, the Board shall consider the qualifications of the teacher in relation to training, education, performance, and professional competence. Years of service with the District shall be recognizable but not the only determining factor. Seniority shall be the determining factor for non-renewal if all other qualifications are relatively equal. In the event the Board hires additional staff members to fill positions to which non-renewed teachers are qualified, rehiring shall be in reverse order to layoff, provided the teacher notifies the Board of his desire to return to an opening the succeeding school year or the school year following the year for which he is non-renewed.

EX 10 NEGOTIATION AGREEMENT PROVISION: Reductions in Personnel

Should substantial and unforeseen changes in student population or other conditions make necessary a general reduction in the number of teachers employed by the District, the District will retain, as nearly as possible, those teachers with permanent teaching certificates. Consideration will also be given to a teacher's area of competence, major and/or minor field of study, quality of teaching performance, attendance record, previous teaching experience, and length of service in the District. The Association and District will further use their best efforts to assist all teachers whose employment is terminated for lack of work to secure professional employment.

If, after a reduction of teachers as outlined above, there are teaching positions that become vacant, laid-off teachers with tenure status who are certified and qualified will be given the first opportunity to fill such positions. In the event two or more tenure teachers are certified and qualified, the order or priority shall be to the teacher who is the most qualified and fully capable to fill such position.

In determining what constitutes "most qualified and fully capable" the District shall utilize, among others, the following factors: Experience, ability, professional background and attainments, past performance, employment and personnel records, attendance, willingness to work, evaluations, communications and interviews, length of service in the position and/or with the District.

Before official action on a reduction of teachers is taken by the Board of Education, notice will be given to the Association of the comtemplated reduction to afford the Association opportunity to meet with the District regarding the effects of such reduction.

EX 11 BOARD POLICY: Surplus Teacher Designation

Surplus teachers are defined as:

1. Those teachers who do not have an assignment as a result of a decrease in student enrollment to the degree that the position can no longer be justified.

2. Those teachers in specially funded programs who no longer have an assignment because of a decrease in funds.

The following factors are to be considered by the principal in determining the teacher or teachers to be declared surplus:

1. Needs of the School
   a. Racial ratio
   b. Curriculum
   c. Regional accrediting association accreditation status
   d. Endorsement and/or experience
   e. Sex (only as it relates to the disciplinary needs of the school)
   f. Supplements (additional compensation for additional responsibility)

2. Systemwide seniority - as compared with other teachers in the school where a surplus teacher is to be declared.

Professional Transfers:

1. If a situation warrants the selection of a surplus teacher using criteria other than the above guidelines, a professional transfer may be recommended. Such recommendations are not to be punitive in nature and must have supporting evidence of being in the best interest of all concerned.

2. If not mutually agreed upon, the teacher may exercise the right of appeal through the adopted channels.

3. No reflection is to be cast upon the professional competence and ability of a teacher reassigned as a surplus teacher or as a professional transfer. Adjustment transfers are made in accordance with established personnel procedures.

EX 12 NEGOTIATION AGREEMENT PROVISION: Reductions in Personnel

No teacher shall be discharged or laid off pursuant to a necessary reduction in personnel unless there is substantial decrease in the students enrolled in the school district or there is a substantial decrease in the revenues of the school district.

No teacher shall be discharged or laid off as a means of increasing class size, except as lay-off or discharge may be necessitated by conditions described above.

In the event a reduction of staff is necessary the following order of lay-off shall apply. Certification shall mean teacher certification as defined by the State Board of Education.

1. Probationary teachers with a BA and no previous experience.
2. Probationary teachers with no previous experience and an MA degree.
3. Probationary teachers with a BA degree and previous experience in other districts.
4. Probationary teachers with a masters degree and previous experience in other districts.
5. Probationary teachers with a BA degree and experience in this district.
6. Probationary teachers with a masters degree and experience in this district.
7. Tenure teachers shall be laid off on the basis of certification and seniority.
8. Personnel in positions which do not require teacher certification shall be laid off on the basis of certification and/or seniority.

   Tenure teachers, second and third year probationary teachers and personnel positions which do not require teacher certification shall be recalled in reverse order for any vacancies for which they are certified or meet State requirements for positions not requiring certification. Personnel shall be notified by certified mail, at the last known address, of vacancies for which they are eligible. Personnel shall have thirty (30) days to notify the Board of their intentions. Failure to respond within this time limit shall result in termination of all employment rights.

The following provisions shall apply to a necessary reduction in personnel:

No lay-off of probationary teachers or professional staff without certification shall occur until thirty (30) calendar days from the date of notice. No lay-off of tenure teachers shall occur until sixty (60) days from the date of notice.

Upon return to service with the school district, tenure teachers who have been laid off because of a necessary reduction in staff shall receive salary and fringe benefits as though they had been continuously employed.

In the event a reduction of staff is necessary, within the limits stated above, all reasonable efforts shall be made to maintain a racial balance among staff which is not lower than the 1970-71 ratio.

EX 13 NEGOTIATION AGREEMENT PROVISION

Should substantial and unforeseen changes in student population or other conditions make necessary a general reduction in the number of teachers employed by the Board, the Board will retain as nearly as possible, those teachers with permanent teaching certificates in needed areas of competence to meet District needs and having the longest service in the District. The Board will further use their best efforts to assist all teachers terminated for lack of duty to secure employment in adjacent school districts. Nothing herein shall relieve the Board from complying with existing statutes.

Before the Board makes any reduction in personnel, it will first consult with the Association regarding the effects of such reduction. This will include, but not be limited to, such problems as the criteria used for the determination as to who will be discharged or laid off and re-employment rights of such persons.

EX 14 NEGOTIATION AGREEMENT PROVISION: Layoff Procedures

The provisions of this policy, except for paragraph nine (9), apply only to persons represented by the Association. The following guidelines will be utilized whenever there are layoffs or staff reductions.

1. Certification - Persons with less than full certification (defined as holders of "Authority to Act as a Substitute" or "Limited" Certificates) shall be transferred or terminated first.

2. Continuing Contract - Persons who have been in the district long enough to be under the continuing contract law will have priority over those without continuing contracts in remaining employed.

3. Attrition - In the event of reduction in the staff, every effort will be made to effect the reductions through normal attrition.

4. Seniority - Other things being equal (items 1 and 2), reductions will be determined by seniority. Seniority refers to continual employment in the school district, and has no relation to the position on the salary schedules. For the purposes of determining seniority, involuntary military leave, sabbatical and professional leave shall be counted as seniority. Other kinds of authorized leave shall not be counted toward seniority, but shall not break continual employment. Seniority shall normally be determined from the date the Board first acted to officially employ the teacher. However, in the event two or more persons have the same official employment date, the date the teacher signed his/her applicable contract shall be the starting date of seniority.

5. If the foregoing conditions are equal, the following factors will be considered in the order presented:

   A. Total service with the school district.
   B. Length of service within the current assignment such as subject matter, elementary grade level, special skill, etc.

6. Re-employment priority shall be extended to staff members who are laid off in the reverse order to which layoffs occurred according to the provisions of this procedure. A staff member rehired during this time shall retain his/her accumulated benefits, and be placed upon the appropriate step of the salary schedule based on his/her position on the schedule when the layoff period commenced. Experience gained during layoff period in other districts or jobs which qualified as experience under school district policies shall also be considered in position on the schedule. Individuals who seek re-employment under this provision must notify the personnel office annually in writing not later than April 1 of the year in which they seek re-employment. No specific position vacancy shall be considered to exist in the school district until all persons qualified for the specific position, and who have been laid off under these regulations have been re-employed or surrendered his/her right to re-employment. A teacher who has been laid off under this policy shall have only one opportunity to be re-employed under this regulation. If the teacher refuses a position for which he/she is qualified, he/she surrenders his/her priority for re-employment and thereafter shall be considered a new applicant.

7. Layoff Notification - Notification to any persons to be laid off under this policy shall be delivered not later than March 11. Simultaneously the Association shall be notified of persons being laid off.

8. Any person whose position is eliminated under this policy shall be offered any other position for which he/she is qualified under the terms of this policy.

9. When administrative posts are eliminated, the incumbents shall be offered another position for which they are certified. In such cases the conditions in this policy shall determine seniority as if the administrator had previously held the position he is offered, and his location on the teacher's salary schedule shall be determined as if he had previous experience with the district in that position.

10. Nothing in this policy shall affect the application of any leave policy. Staff members on leave will be re-employed under the terms of the applicable leave policy, not under the terms of the layoff policy.

EX 15 ADMINISTRATIVE MEMORANDUM: Reduction of Staff--Secondary Teacher Assignments

Because of the budgetary problems, it is necessary to reduce the present teaching staff in your school next year. As principal of your school, it is your responsibility at this time to determine the positions that must be eliminated and personally inform each teacher who must change his assignment next year. It is vitally important that the rights of permanent and probationary teachers be protected in making the necessary adjustments in assignments.

Procedures to Follow in Reduction of Teaching Staff

The following guidelines are submitted for your use in releasing positions from your school:

1. Release all auxiliary positions now assigned.
2. Release all substitute teachers.
3. Release all intern teachers.
4. Release all qualifying teachers.
5. Release all provisional teachers.
6. Release all conditional teachers.
7. In addition to releasing the above classes of teachers in your school, it may be necessary in some schools to displace probationary and permanent teachers in order to reduce staff to the level of positions allotted for September.
8. Serious effort must be made to retain permanent and probationary teachers in each school. This may necessitate obtaining additional credentials or teaching permits for individuals in order to remain on the faculty and teach other subjects than now assigned. A secondary school is not to request an additional teacher in any field as long as one of the teachers now assigned is able to teach the subject for which there is a vacancy.
9. Displace probationary teachers in terms of status (Prob 1, Prob 2, Prob 3)
10. When permanent teachers need to be displaced, the one with the latest date of assignment to the Division will be transferred.
11. In order to provide a teacher in a necessary special teaching area, the order of reduction of permanent and probationary teachers may be changed by establishing teaching competency and credential or permit in the special area. This must be established by a written statement made by the principal and submitted with the Organization Report.
12. Schools which are overstaffed may not submit requests for new or additional teachers.
13. The Personnel Division has notified substitute, intern, qualifying, provisional, and conditional teachers that they will not have a teaching position in our Division in September, but they will be eligible to apply for the day-to-day sub pool.

Procedures to Follow for Assignment of Displaced Teachers

The following guidelines are submitted for your use in consulting with displaced teachers. When teacher reductions have been determined and it is necessary to release permanent and probationary teachers, you are requested to personally meet and inform them of their displacement. Give them the memo addressed to "Displaced Permanent and Probationary Teachers" to which is attached the "Relocation of Assignment" form. Please explain the following choices to them:

1. Pool positions. In addition to the number of teaching positions allotted, two pool positions will be established in each school for substitute purposes only and regular classes must not be scheduled for them. These positions will be filled by permanent or probationary contract teachers now on your staff who would otherwise be released. All displaced teachers in your school have an opportunity to volunteer for these positions, and if more than two so indicate, they must be selected on the basis of seniority in the district. It should be explained that they will be assigned to your school as their "home school" and will be called daily to substitute either in your school or in secondary schools located in your geographic area. Their contract and salary remain intact. Whenever attrition or an increase in enrollment creates a position, these teachers will be reassigned as regular teachers.

2. Request for a Transfer. As all secondary schools are drastically affected by the cutback, very few schools, other than those located in the central city, will have open positions. Displaced teachers are asked to list five schools to which they would prefer a transfer. However, no guarantee can be made that they will be transferred to a school they selected unless they chose a school located in the central area. A list of schools with anticipated openings for September is provided in the memo addressed to Displaced Permanent and Probationary Teachers.

3. Personal Leave. Although the last date to request a leave of absence has passed, a displaced person or any other teacher may still apply for a personal leave.

4. Teaching Elementary. It is anticipated at this time that we may not have sufficient openings in the Division of Secondary Education to accommodate all of the displaced teachers. Permanent and probationary secondary teachers may obtain special elementary credentials and be assigned as elementary teachers in our district next year. As vacancies occur, you will be given priority consideration to reassignment to the secondary division.

After your conference with these teachers, please list those to leave your school on the Organization Report. It is important that the completed Relocation of Assignment form be returned to us with the Organization Report.

The Assignment Office will contact the displaced teachers in relation to their assignment for September. Because of the anticipated volume, it may be well into the summer before transfers resulting from relocation of assignments can be completed.

The following Personnel Guide must be followed:

Transfer Procedures for a Reduction-in-Force, Secondary

When a reduction-in-force is necessary in a subject field in a school, the following steps will be taken in sequence until reduction has been completed:

1. The voluntary transfer list for the subject will be suspended until all administrative transfers have been completed.
2. All long-term substitutes in the subject will be returned to the day-to-day pool.
3. All qualifying employees in the subject will be returned to the division from which they came.
4. All provisional employees in the subject will be placed in the day-to-day substitute pool.
5. All interns in the subject will be placed in the day-to-day substitute pool.
6. The remaining non-permanent (conditional and probationary) teachers assigned in the subject to a school will be transferred out in reverse order of assignment to the division (see 14 below) to vacant positions in the division, including the contract pool (see 10 below).
7. A permanent teacher shall displace a probationary teacher in the school in another subject if he has the necessary credential to teach the subject.
8. When there is more than one permanent teacher in a subject and one must leave the school, the one with the latest date of assignment to the division will be transferred (see 14 below).
9. If there is no vacant position in the division, a permanent teacher forced to transfer will displace the non-permanent teacher in his subject field with the latest assignment date to the division. If no non-permanent teacher in the subject field is assigned, the permanent teacher will displace in the above manner in any subject field in which he holds a credential (does not include permits). If not assigned in accordance with this section, the teacher may be assigned to the contract pool.
10. In the assignment of teachers into contract pool positions, the assignments will be made on a seniority basis. Permanent teachers will have the first opportunity to choose to go to the pool on the basis of longest service in the division, then non-permanent teachers in order of probationary or conditional election.
11. Teachers on paid leaves or position leaves are considered as attached to the school from which the leave was taken.
12. Teachers on other leaves are not considered as attached to any specific school.
13. Secondary teachers subject to transfer due to reduction-in-force may be granted extensions of leave which exceed the maximum limits shown in the Guides without the special approval of the Division Head if the leave is requested for the full following year.
14. When two or more teachers are "tied" in priority for transfer, the teacher(s) with the highest employee number will be transferred.
15. Teachers not assigned as above will be subject to dismissal for reduction-in-force.

EX 16 NEGOTIATION AGREEMENT PROVISION: Reduction in Staff

A. Teachers shall not be discharged or laid off pursuant to a necessary reduction in personnel unless there is a substantial decrease in the number of students enrolled in the school district or there is a substant al decrease in the revenues of the school district.

B. Before the Board makes any reduction in personnel, it will first consult with the Association regarding the effects of such reduction.

C. In the event that a reduction of staff is deemed necessary, leaves of absence without pay will automatically be granted to any and all teaching staff affected by this reduction. These leaves of absence shall not prohibit the teachers from seeking and accepting gainful employment elsewhere, and shall not be terminated for that reason except on written request of the teacher. A teacher may elect to take and will be granted leave of absence during the staff reduction irrespective of his position on the seniority list.

D. During said leave of absence such teacher shall receive no insurance benefits at Board expense, but may elect to continue insurance benefits by paying the premiums therefor at the Board offices. This section is contingent upon approval by the respective insurance carriers.

E. During said leave of absence such teacher's seniority shall remain unbroken despite such leave, and his accumulated sick leave shall not be cancelled but shall remain credited to him.

F. Any teacher who would have qualified for retirement during the reduction year shall be permitted to teach that year so as to acquire needed service.

G. The fact that a teacher is placed on leave of absence for the purpose of staff reduction shall not result in loss of status or credit for previous years of service. Upon return to the District he shall assume the step position on the salary schedule which he would have held had be been actively employed in the District for the same period.

H. If a reduction of staff is necessitated in accordance with the above provisions, reduction of personnel will be made according to the following:

1. Seniority for the purposes of this reduction shall be defined as non-terminated years of employment in the District. Leaves of absence shall not be considered terminations.

2. A seniority list shall be prepared by the Board and verified by the Association that includes all present bargaining unit personnel.

3. Special education positions shall receive no additional pay over the salary schedule.

4. Teachers on probation or annual contract will be released prior to teachers on tenure or continuing contract.

5. The order of seniority in the District will determine the order of reduction and return to active employment.

I. The Board and the Association will confer prior to making transfers and assignments regarding the reduction and recall of the professional staff.

J. If a position exists within the District for which the released teacher is qualified and certified, the teacher shall be notified by certified mail. Within ten (10) days of the receipt of a written offer to return to employment the teacher shall accept the position by replying in writing or it shall be determined that he has declined the position. No new staff shall be hired until all staff on leave in accordance with this section have been offered an opportunity in writing to return to active employment. It is the teacher's responsibility to keep his address with the Personnel Office current.

K. As funds become available teachers on leave having the highest seniority will be hired back first.

L. The Board agrees to abide by the provisions of the Teacher Tenure Act in notifying affected teachers.